

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN L. LaCROIX,

Plaintiff,

v.

PATICK NACHTREIB,

Defendant.

/

Case No. 22-12936

F. Kay Behm

United States District Judge

Curtis Ivy, Jr.

United States Magistrate Judge

ORDER ON PLAINTIFF’S MOTIONS (ECF No. 61)

On October 8, 2024, Defendant Patrick Nachtreib timely filed his motion for summary judgment.¹ (ECF No. 57). Two days later, the Court Ordered Plaintiff Kevin L. LaCroix to file a response to Defendant’s motion by November 25, 2024. (ECF No. 58). On November 20, 2024, Plaintiff filed a “Motion Requesting Denial of Defendant’s Baseless Motion for Summary Judgment.”² (ECF No. 61). Pursuant to ECF No. 58, the Court construes this filing as Plaintiff’s response brief.

In his response brief to Defendant’s motion for summary judgment (ECF No. 57), Plaintiff includes two separate motions. (*See* ECF No. 61, PageID.462).

¹ As authorized pursuant to the District Judge’s referral order, (ECF No. 10), the undersigned filed a Report and Recommendation on Defendant’s motion for summary judgment concurrently with this Order.

² Though docketed on December 2, 2024, Plaintiff’s response brief was timely. Under the prison mailbox rule, the filing date is assumed to be the day that the *pro se* prisoner plaintiff handed the filing to prison officials; that day, in turn, is assumed to be the date on the complaint absent evidence to the contrary. *See Brand v. Motley*, 526 F.3d 921, 925 (6th Cir. 2008).

First, Plaintiff asks the Court to strike certain medical information that Defendant included as an exhibit in support of his motion for summary judgment. (*See id.* at PageID.467 (referencing the Washtenaw County Sheriff Initial Inmate Screening Form included as part of Plaintiff’s Exhibit C, ECF No. 57-12, PageID.435-439)).³

Second, Plaintiff moves to “Respond[] to Defendant’s Response Regarding Plaintiff’s Proposed Deposition.” (ECF No. 61, PageID.462, 467-72). Essentially, Plaintiff offers a response to the reply brief Defendant filed in relation to the pending motion to dismiss. (*See* ECF Nos. 55, 60). Because these requests are procedurally defective under the Local Rules of this Court, the motions are **DENIED**.

Under Local Rule 7.1, “[m]otions must not be combined with any stand-alone document.” E.D. Mich. LR 7.1(i). Because Plaintiff combined the two above-mentioned motions with his response brief, the Court **DENIES** them. If Plaintiff still wants the desired relief, he must re-file the motions in accordance with the Federal Rules of Civil Procedure and this Court’s Local Rules. Lastly, if Plaintiff wishes to file supplemental briefing that responds to Defendant’s reply brief on the pending motion to dismiss, Plaintiff must first obtain leave from the Court to do so considering he has already filed a response to the motion to dismiss.

³ Exhibit C consists of a Declaration from Heather Sykes, an employee of the Washtenaw County Sheriff’s Office. (*See* ECF No. 57-12, PageID.427-28). Ms. Sykes attached to her declaration Exhibit A which includes the Initial Inmate Screening Form in question.

(See ECF No. 60). *See also* E.D. Mich. LR 7.1(d)(1)(A) (“*Unless the Court permits otherwise*, each motion and response to a motion must be accompanied by a *single* brief.”) (emphasis added).

IT IS SO ORDERED.

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: February 5, 2025

s/Curtis Ivy, Jr.
Curtis Ivy, Jr.
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court’s ECF System or by First Class U.S. mail on February 5, 2025.

s/Sara Krause
Case Manager
(810) 341-7850